

HISTORIC HAWAII FOUNDATION

November 5, 2009

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Honolulu High Capacity Rapid Transit Programmatic Agreement (PA) Nov. 2, 2009

Dear Mr. Yoshioka:

Thank you for providing the opportunity to comment on the November 2, 2009 draft PA for the Honolulu Transit undertaking. Overall, Historic Hawai'i Foundation believes that substantial progress on the mitigation stipulations has been made since September. We appreciate the transit team's response to Historic Hawai'i Foundation's proposed mitigation measures to address the direct and indirect effects on historic properties.

Historic Hawai'i Foundation has the following comments, questions and concerns about the current draft of the PA. We hope that these comments may be resolved in a timely manner.

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1	1, 4 th Whereas Clause	List of 31 consulting parties	Are all of the listed entities actual consulting parties? Did they ask to be included or accept an invitation to be consulting parties? Many did not attend meetings or provide comments. Did the transit team have other communications with them? If so, those should be shared with the other consulting parties and included on the matrix of comments. If the entity did not ask to participate, did not answer an invitation to participate, and in fact, did not participate, should it be listed as a consulting party?
2	2, 3 rd Whereas Clause	Reference to Attachment 1, APE	Attachment 1 was not provided. If this is the same map that was included in the Historic Resources Technical Report of Sept. 2008, there are errors to historic district boundaries that need to be corrected.
3	2, 5 th Whereas Clause	Adverse effect determinations	An exhibit should be provided that summarizes the nature of the adverse effect,



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			including demolition, physical occupation of the site, damage from noise or vibration, effect on setting, feeling or association, etc.
4	4, 1 st Whereas Clause	States "the Project will cross lands controlled or owned by the Federal Government..."	Which Federal agency(s) owns the land? By providing a right of access, that Federal agency may have its own undertaking, in which case it will need to comply with Section 106 for that undertaking. Are those federal agencies invited signatories to this PA? Will another PA need to be developed? How will that affect the project schedule and final clearances?
5	6, Stipulation III	Identification and Protection of Archeological Sites and Burials	Methodology for approving the surveys and plans should be included. HHF defers to OIBC on this matter, and notes that OIBC has requested "inclusion of the OIBC in decisions regarding the approval of the AIS Plan, AIS, Archaeological Monitoring Plan, and Burial Treatment Plan."
6	6, Stipulation III.A.2	Archeological Inventory Survey (AIS)	Methodology for conducting the survey should be included. HHF defers to OIBC and SHPD on appropriate methodology, but notes that OIBC has requested that the AIS "include a 100% subsurface investigation by archaeological excavation (rather than by ground penetrating radar that would be ineffective in sand deposits) of every area to be affected by ground disturbance, including but not limited to the locations of columns, stations, traction power substations, and utility relocations."
7	9, Stipulation IV. A.	States that "the city shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties..."	Should change this to say that the City shall follow the Secretary of the Interior's Standards for the Treatment of Historic Properties.
8	10 and 11, Stipulation V.	Allows for SHPD opportunity to comment on both Historic Context Studies and CLRs, but only requires the City to consider comments while preparing the final version.	The City should need SHPD's concurrence on the final drafts before they are complete.

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9	12, Stipulation VI. A.1.	States that SHPD will determine appropriate listing procedures if owner objects according the Hawai'i Administrative rules for owners who do not consent	Cite the appropriate HAR sections of: 13-197 Practice and Procedure before the Hawai'i Historic Places Review Board and 13-198 The Hawai'i and National Registers of Historic Places Programs.
10	13, Stipulation VI. C. 2.	The City will submit draft nomination forms to the SHPD for review and SHPD will provide comments within 30 days for receipt.	Submissions should be phased or more review time given to SHPD, as reviewing all of the nominations in 30 days and at one time may not be feasible.
11	13, Stipulation VI. F.	Took out from the October 15, 2009 version the following: "The City will add links to the documentation included in this PA to the website as it is approved by the appropriate review agency. Culturally sensitive materials related to stipulation III will not be posted for the general public. However, it the consulting parties agree, it may be included in a password-protected mode."	What is the reason for excluding this section? Is it replaced by XII.B?
12	15, Stipulation VII. G. and H.	Changed requirement for a kick-off meeting under each individual educational and interpretive program, materials, and signage to one kick-off meeting for all of them to develop: "a work plan, content for deliverables, and schedule for all projects required within Stipulation VII. The City will circulate a draft of the work plan, preliminary content outline, and schedule to consulting parties following the kick-off meeting. The city will consider all comments received within 30 days while preparing the	Developing and referencing a standard process for consultation on all of the educational and interpretive materials makes sense. However, that standard process should be triggered separately for each of the stipulations. For example, the interpretive program would not have the same kick-off meeting as the humanities program. Instead, each of the stipulations should state that the standard process will be used for each of the stipulations individually, or that one or more of the meetings may be combined at the request of FTA and concurrence by SHPD.

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		final work plan and schedule in consultation with the SHPD.”	
13	15, Stipulation VIII. C.	Replanting of true kamani trees	Specify that the replacement trees shall be at least 12-inch caliper when planted. Can keiki be taken from the current trees and then planted? Can the mature trees be relocated? An attachment should be provided with the landscape plan (showing current location and proposed new locations, and size and species specifications).
14	16, Stipulation VIII. D. 1. And 4.	Allows for consulting parties, property owners, and other stakeholders to participate in kick-off meetings regarding adversely effected parks.	Signatories should be included.
15	20, Stipulation XIII.C.	Duration states that PA is in effect until completion of construction	Several stipulations are to be complete prior to beginning revenue service operations, which will be after construction. Stip IX.B. is to be complete 3 years after completion of the Project. Therefore, the Duration of the PA should continue until the completion of all Stipulations, which may be after construction is completed.
16	20, Stipulation XIII. D.3.	Changed from previous version stating that the City shall conduct annual meetings of signatories and consulting parties to “FTA shall conduct an annual meeting of signatories and consulting parties...”	Should state that FTA shall conduct a meeting with signatories and consulting parties as least annually over the duration of the PA.
17	57, Attachments	Attachment 1: APE Attachment 2: Information on Historic Resources with Adverse Effect Determinations	The attachments are missing and should be provided, with corrections as noted in comment 2 above. Also provide Attachment 3 with the summary of cause of adverse effect (see comment 3 above) and Attachment 4 with the landscape plan for kamani trees (see comment 13 above).

Please let me know if you have any questions about any of these issues or questions. Thank you for the opportunity to comment on the draft PA.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

DTS: Faith Miyamoto

FTA: Ted Matley, Jim Barr

SHPD: Pua Aiu, Nancy McMahon, Susan Tasaki

ACHP: Blythe Semmer

PB: Lawrence Spurgeon, Stephanie Foell

AIA: Jeff Nishi, Amy Blagriff, Spencer Leineweber

NPS: Elaine Jackson-Retondo, Frank Hays, Melia Lane-Kamahele

NTHP: Betsy Merritt, Brian Turner

OIBC: Kehau Abad, Kawika McKeagan, Hinalaimoana Falemei

Prince Kūhiō Hawaiian Civic Club: Chasmin Aokoloski

Koolaupoko Hawaiian Civic Club: Mahealani Cypher

Alu Scientific: Carl Campagna

HUI MĀLAMA: Edward Halealoha Ayau

HCDA: Deepak Neupane

OHA: Keola Lindsey